NEW PENNSYLVANIA NOTARY LAW TAKES EFFECT ON OCTOBER 26, 2017

Date: 4 May 2017

Corporate/M&A Alert

By: Raymond P. Pepe

On April 29, 2017, the Pennsylvania Department of State published a notice in the Pennsylvania Bulletin that the Revised Uniform Law on Notarial Act will take effect on October 26, 2017, based on the department's approval of new programs for the education of notaries.[1] Although the law was enacted in 2013,[2] its effective date was delayed until 180 days following publication of a notice of the approval by the Department of State of new programs for the education of notaries. The new law replaces the Notary Public Law of 1953 and the Uniform Acknowledgments Act of 1941 and includes the following significant changes to prior law:

- Recognition is granted for all notarial acts validly performed under the laws of other states, territories, U.S. Indian tribes and foreign countries, and to public documents prepared in the form of an apostille under the 1961 Hague Convention. Under prior law, recognition was only granted to acknowledgements performed in other states.
- Users of notary services are protected from errors and omissions by notaries and challenges to the validity of notary certificates. The failure of a notarial officer to perform a duty or meet a requirement of the law will not invalidate a notarial act. Instead, any remedies for misconduct by a notary aided or abetted by a user of notarial services must be sought under other laws. In addition, a rebuttable presumption is provided regarding the validity of the signatures and titles of notarial officers and a conclusive presumption is provided with respect to the authority of judicial officers to perform notarial acts
- An affirmative obligation is imposed on notarial officers to verify the identity of any person for whom a notarial act is performed if the notarial act relates to a statement made in or a signature executed on a record. Prior law only required the verification of the identity of a person executing an instrument or acknowledgment.
- A simplified process is established for notaries to obtain authorization to notarize electronic documents.
- Requirements for the maintenance of journals by notaries are revised to require journal entries be made contemporaneously with performance of notarial acts and to require the recording of the date and time acts are performed, descriptions of records on which notarial acts are performed, the names and addresses of individuals for whom notarial acts are performed, an explanation of how the identity of individuals is determined, and fees charged by notaries. Notaries are also granted the authority to insist upon additional proofs of identity and to refuse to perform notarial acts when concerns arise about identity, competence, and coercion.

©2005-2026 K&L Gates LLP. All Rights Reserved.

- The new law includes a set of standard short forms that may, but are not required, to be used in performing notarial acts, and which when used, will be deemed to satisfy the requirements for the preparation of notarial certificates.
- New notaries must successfully complete an examination (in addition to three hours of notary education as required by prior law), and notaries seeking re-registration must complete three hours of approved continuing education.
- Notaries are prohibited from engaging in false or deceptive advertising, and, unless licensed to practice law, from preparing or offering to prepare legal documents, providing legal advice, or from using the terms notario or notario publico to describe themselves. Notaries who are not attorneys must include in any advertising an express disclaimer that they are not authorized to practice law, provide legal advice, or draft legal documents.
- Substantially enhanced enforcement powers are granted to the Pennsylvania Department of State and civil and criminal sanctions for violations of the notary law have been increased.

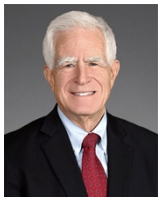
With the implementation of the new law, Pennsylvania becomes the seventh state to adopt the Revised Uniform Law on Notarial Acts. The Pennsylvania version of the law, however, does not include amendments to the uniform law approved by the Uniform Law Commission in 2016 authorizing notaries located in Pennsylvania to remotely provide services relating to U.S. legal transactions to individuals located outside of the United States through the use of simultaneous audio-visual electronic communications and identity proofing technology.

Notes:

[1] 47 Pa.B. 2518 (Saturday, April 29, 2017).

[2] The act of October 9, 2013 (P.L. 609, No. 73), 57 Pa.C.S. Ch. 3. The full text of the act is available at http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2013&sessInd=0&smthLwInd=0&act=73.

KEY CONTACTS



RAYMOND P. PEPE
SENIOR OF COUNSEL

HARRISBURG
+1.717.231.5988
RAYMOND.PEPE@KLGATES.COM

©2005-2026 K&L Gates LLP. All Rights Reserved.

This publication/newsletter is for informational purposes and does not contain or convey legal advice. The information herein should not be used or relied upon in regard to any particular facts or circumstances without first consulting a lawyer. Any views expressed herein are those of the author(s) and not necessarily those of the law firm's clients.

©2005-2026 K&L Gates LLP. All Rights Reserved.